

REMARKS

Applicant respectfully requests reconsideration of the subject application. Amendments to claims 1, 31, 72 and 74 are supported in the specification as filed, for example at paragraphs 38, 39, and 44, and figures 4 and 5 of US PGPUB 2002/0169669, the publication of the instant application. No new matter has been added by any of the present amendments.

35 U.S.C. § 103 Rejections

Claims 1, 8, 11-13, 16-19, 21-22, 24, 26, 31, 33, 35, 37, 72 and 74 are patentable over Thomas, (U.S. Patent No.: 6,128,663, hereinafter "Thomas") in view of the Official Notice.

Claim 1, as amended, recites a method including, among other things tailoring a message based, at least in part, on targeting criteria and personal information to include a portion of the personal information and direct a user's attention to a banner advertisement which is not taught or suggested by Thomas.

In contrast, the above-mentioned features of claim 1 are not present in Thomas, for example in figure 11 (annotated below):

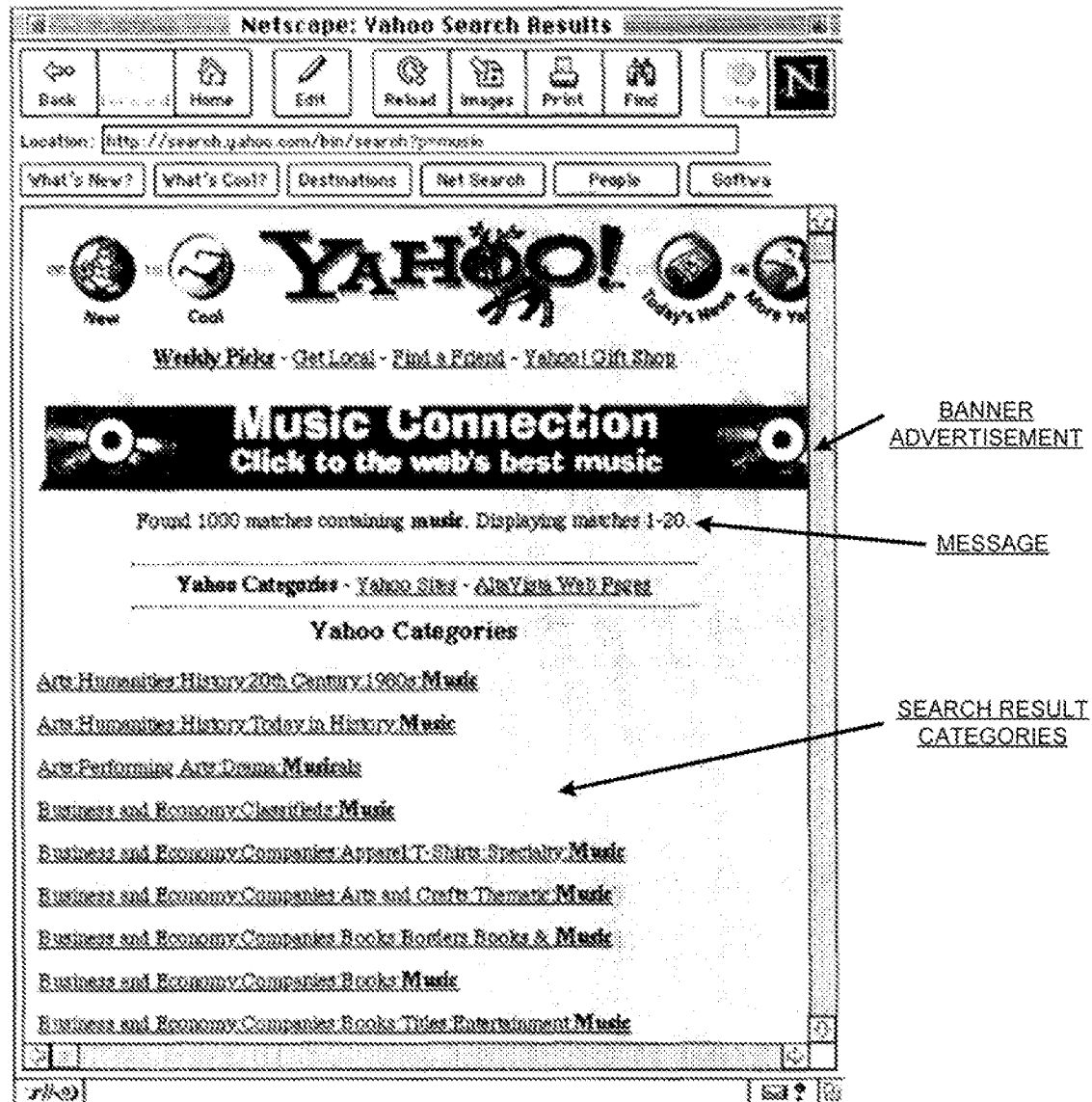


FIG. 11

While Thomas may display a banner advertisement and a message, the message of Thomas directs the user's attention away from the banner advertisement and toward search result categories, and therefore has the opposite effect of the message recited in

claim 1. In addition, the message of Thomas fails to include any personal information about a user. Therefore, Thomas fails to teach or suggest each and every element of claim 1 and its dependent claims. Consequently, claim 1 and its dependent claims are patentable over Thomas.

Additionally, even if Thomas suggests inserting a greeting into the webpage as depicted in figure 11 (which Applicants do not admit), a greeting (absent further details) does not specifically provide a message separate from a banner advertisement that is thematically related to said banner advertisement and tailored to include personal information and direct the user's attention to the banner advertisement, as recited in claim 1.

Thomas may also contemplate replacing the banner advertisement of figure 11 with a banner advertisement determined in accordance with a demographic identifier of a user. Even if so, a modified banner advertisement does not specifically provide a message separate from the banner advertisement that is thematically related to the banner advertisement and tailored to include personal information and direct a user's attention to the banner advertisement, as recited in claim 1.

Lastly, Thomas may contemplate selecting an appropriate variant of the webpage displayed in figure 11 (or portion thereof). Even if so, such vague teachings do not specifically provide a message separate from a banner advertisement that is thematically related to the banner advertisement and tailored to include personal information and direct a user's attention to the banner advertisement, as recited in claim 1. For at least the foregoing reasons, claim 1 and its dependent claims are additionally patentable over Thomas.

It is noted that the Examiner has taken Official Notice of the following:

1. That it is old and well-known to receive personal information from a user such as a user's name, age and gender when a user fills out an application and the like;
2. That placing a message proximal to an ad or within the advertisement is old and well-known to bring the user's attention to the ad;
3. That it is old and well-known in marketing and the like to schedule a second message when a first message is no longer to be displayed. For example, during the Christmas season a certain message is displayed and when the season is over, a default or second message is displayed;
4. That changing display attribute within a message such as changing display color or image will bring the user's attention to the message; and
5. That it is old and well-know to serve default messages when targeting criteria hasn't been met. For example, default messages for or general messages are displayed to the customer when the customer hasn't established a relationship with a company in order for the company or advertiser to reach the general public.

Such Official Notice fails to cure the above-mentioned deficiencies of Thomas. For example, even if Official Notice #2 were true, it does not specifically address banner advertisements. Moreover, the Office Action does not reconcile Official Notice #2 with the above-referenced teachings of Thomas in which a message placed in proximity of a banner advertisement directs the user's attention to search result categories and away from the banner advertisement.

Therefore, claim 1 remains patentable over Thomas, even in view of the Official Notice. Claims 31, 72 and 74 recite features similar to those recited in claim 1. Therefore, claim 31 and its dependent claims, and claims 72 and 74 are likewise

patentable over Thomas in view of the Official Notice. Accordingly, it is respectfully requested that the rejection to claims 1, 8, 11-13, 16-19, 21-22, 24, 26, 31, 33, 35, 37, 72 and 74 under 35 U.S.C. §103 be removed.

Applicant respectfully submits that the present application is in condition for allowance.

Please charge any shortages and credit any overages to Deposit Account No. 19-3140. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 19-3140.

Respectfully submitted,
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